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APPEAL, TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:09-cv-02312-BAH**

JUDICAL WATCH, INC., v. UNITED STATES SECRET
SERVICE

Assigned to: Judge Beryl A. Howell

Case in other court: USCA, 11-05282

Date Filed: 12/07/2009

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Cause: 05:552 Freedom of Information Act

Plaintiff

JUDICAL WATCH, INC.

represented by **Paul J. Orfanedes**

JUDICIAL WATCH, INC.

425 Third Street, SW

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Email: porfanedes@judicialwatch.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

James F. Peterson

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ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES SECRET SERVICE

represented by **Brad P. Rosenberg**
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CIVIL DIVISION, FEDERAL
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/07/2009	<u>1</u>	COMPLAINT against UNITED STATES SECRET SERVICE (Filing fee \$ 350, receipt number 4616025969) filed by JUDICAL WATCH, INC.,. (Attachments: # <u>1</u> Civil Cover Sheet)(rdj) (Entered: 12/08/2009)
12/07/2009		SUMMONS (3) Issued as to UNITED STATES SECRET SERVICE, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 12/08/2009)
12/07/2009	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICAL WATCH, INC., identifying Corporate Parent NONE for JUDICAL WATCH, INC.,. (rdj) (Entered: 12/08/2009)
01/07/2010	<u>3</u>	SUMMONS Returned Executed by JUDICAL WATCH, INC.. UNITED STATES SECRET SERVICE served on 12/14/2009, answer due 1/13/2010. (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Orfanedes, Paul) (Entered: 01/07/2010)

01/08/2010	<u>4</u>	NOTICE of Appearance by Brad P. Rosenberg on behalf of UNITED STATES SECRET SERVICE (Rosenberg, Brad) (Entered: 01/08/2010)
01/13/2010	<u>5</u>	ANSWER to <u>1</u> Complaint by UNITED STATES SECRET SERVICE.(Rosenberg, Brad) (Entered: 01/13/2010)
01/26/2010		MINUTE ORDER. The parties shall submit a joint case management report and proposed deadlines for submission of dispositive motions, or other appropriate course of action, by no later than February 15, 2010. If the parties are unable to reach agreement with respect to the case management report and proposed deadlines, each party shall submit its own report and proposed order setting deadlines. Signed by Judge Henry H. Kennedy, Jr. on January 26, 2010. (NP) (Entered: 01/26/2010)
02/12/2010	<u>6</u>	STATUS REPORT (<i>Joint Case Management Report</i>) by JUDICAL WATCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 02/12/2010)
02/19/2010	<u>7</u>	Consent MOTION for Extension of Time to File (<i>Motion to Modify Proposed Briefing Schedule</i>) by JUDICAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 02/19/2010)
02/22/2010	<u>8</u>	MOTION for Partial Summary Judgment by JUDICAL WATCH, INC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Text of Proposed Order)(Peterson, James) (Entered: 02/22/2010)
02/24/2010	<u>9</u>	ORDER granting <u>7</u> Plaintiff's Consent Motion to Modify Proposed Briefing Schedule. Signed by Judge Henry H. Kennedy, Jr. on February 24, 2010. (NP) (Entered: 02/24/2010)
04/19/2010	<u>10</u>	Consent MOTION for Extension of Time to <i>File Opposition and Cross-Motion for Summary Judgment and to Modify Briefing Schedule</i> by UNITED STATES SECRET SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rosenberg, Brad) (Entered: 04/19/2010)
04/20/2010		MINUTE ORDER granting <u>10</u> Defendant's Consent Motion for Extension of Time and to Modify Briefing Schedule. Accordingly, defendant's opposition to plaintiff's summary judgment motion and cross-motion are due on April 21, 2010; plaintiff's reply in support of its motion and opposition to defendant's cross-motion are due on May 14, 2010; and defendant's reply in support of its cross-motion is due on June 4, 2010. Signed by Judge Henry H. Kennedy, Jr. on April 20, 2010. (NP) (Entered: 04/20/2010)
04/21/2010	<u>11</u>	NOTICE of Lodging of Classified Declaration by UNITED STATES SECRET SERVICE (Rosenberg, Brad) (Entered: 04/21/2010)

04/21/2010	<u>1</u> <u>2</u>	NOTICE of Appearance by John Russell Tyler on behalf of UNITED STATES SECRET SERVICE (Tyler, John) (Entered: 04/21/2010)
04/21/2010	<u>1</u> <u>3</u>	Memorandum in opposition to re <u>8</u> MOTION for Partial Summary Judgment filed by UNITED STATES SECRET SERVICE. (Attachments: # <u>1</u> Declaration of Philip C. Droege, # <u>2</u> Declaration of Donald E. White, # <u>3</u> Declaration of Nathan D. Tibbits (Redacted/Unclassified), # <u>4</u> Exhibit A: Opening the People's House, # <u>5</u> Exhibit B: White House Voluntary Disclosure Policy, # <u>6</u> Exhibit C: Request for White House Visitor Access Records, # <u>7</u> Exhibit D: Judicial Watch FOIA Request, # <u>8</u> Exhibit E: USSS Response to FOIA Request, # <u>9</u> Exhibit F: Judicial Watch Appeal, # <u>10</u> Exhibit G: USSS Response to Appeal, # <u>11</u> Exhibit H: Cover Letters for Production of Visitor Records, # <u>12</u> Exhibit I: Vacatur of Washington Post Opinion, # <u>13</u> Exhibit J: Pusa v. FBI, # <u>14</u> Exhibit K: Judicial Watch Press Release, # <u>15</u> Exhibit L: Letter from Eisen to Judicial Watch, # <u>16</u> Text of Proposed Order)(Rosenberg, Brad) (Entered: 04/21/2010)
04/21/2010	<u>1</u> <u>4</u>	Cross MOTION for Summary Judgment by UNITED STATES SECRET SERVICE (Attachments: # <u>1</u> Declaration of Philip C. Droege, # <u>2</u> Declaration of Donald E. White, # <u>3</u> Declaration of Nathan D. Tibbits (Redacted/Unclassified), # <u>4</u> Exhibit A: Opening the People's House, # <u>5</u> Exhibit B: White House Voluntary Disclosure Policy, # <u>6</u> Exhibit C: Request for White House Visitor Access Records, # <u>7</u> Exhibit D: Judicial Watch FOIA Request, # <u>8</u> Exhibit E: USSS Response to FOIA Request, # <u>9</u> Exhibit F: Judicial Watch Appeal, # <u>10</u> Exhibit G: USSS Response to Appeal, # <u>11</u> Exhibit H: Cover Letters for Production of Visitor Records, # <u>12</u> Exhibit I: Vacatur of Washington Post Opinion, # <u>13</u> Exhibit J: Pusa v. FBI, # <u>14</u> Exhibit K: Judicial Watch Press Release, # <u>15</u> Exhibit L: Letter from Eisen to Judicial Watch, # <u>16</u> Text of Proposed Order)(Rosenberg, Brad) (Entered: 04/21/2010)
05/13/2010	<u>1</u> <u>5</u>	Consent MOTION for Extension of Time to File by JUDICAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 05/13/2010)
05/14/2010		MINUTE ORDER granting <u>15</u> Plaintiff's Consent Motion for an Extension of Time and To Modify Briefing Schedule. Accordingly, plaintiff's reply in support of its summary judgment motion and opposition to defendant's cross-motion is due May 21, 2010; defendant's reply in support of its cross-motion is due June 11, 2010. Signed by Judge Henry H. Kennedy, Jr. on May 14, 2010. (NP) (Entered: 05/14/2010)
05/21/2010	<u>1</u> <u>6</u>	REPLY to opposition to motion re <u>8</u> MOTION for Partial Summary Judgment filed by JUDICAL WATCH, INC.. (Peterson, James) (Entered: 05/21/2010)
05/21/2010	<u>1</u> <u>7</u>	Memorandum in opposition to re <u>14</u> Cross MOTION for Summary Judgment <i>with Response to Statement of Material Facts</i> filed by JUDICAL WATCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 05/21/2010)
06/09/2010	<u>1</u> <u>8</u>	NOTICE of Change of Address by Paul J. Orfanedes (Orfanedes, Paul) (Entered: 06/09/2010)

06/09/2010	1 9	NOTICE of Change of Address by James F. Peterson (Peterson, James) (Entered: 06/09/2010)
06/11/2010	2 0	REPLY to opposition to motion re 14 Cross MOTION for Summary Judgment filed by UNITED STATES SECRET SERVICE. (Attachments: # 1 Declaration of Mickey M. Nelson)(Rosenberg, Brad) (Entered: 06/11/2010)
01/20/2011		Case reassigned to U.S. District Judge Beryl A. Howell. Judge Henry H. Kennedy no longer assigned to the case. (gt,) (Entered: 01/20/2011)
08/17/2011	2 1	MEMORANDUM OPINION regarding 8 plaintiff's motion for partial summary judgment and 14 defendant's cross-motion for summary judgment. Signed by Judge Beryl A. Howell on 8/17/2011. (lcbah2) (Entered: 08/17/2011)
08/17/2011	2 2	ORDER granting 8 plaintiff's motion for partial summary judgment and denying 14 defendant's motion for summary judgment for the reasons set forth in the accompanying Memorandum Opinion. Further details within Order. Signed by Judge Beryl A. Howell on 8/17/2011. (lcbah2) (Entered: 08/17/2011)
08/17/2011		Set/Reset Deadlines: On or before 9/6/2011, attorneys shall meet and confer and file a joint report proposing a schedule for the remainder of this litigation. See order for specifics. (zalg,) (Entered: 08/17/2011)
08/19/2011	2 3	Consent MOTION for Extension of Time to <i>Submit Joint Report</i> by UNITED STATES SECRET SERVICE (Attachments: # 1 Text of Proposed Order)(Rosenberg, Brad) (Entered: 08/19/2011)
08/22/2011		MINUTE ORDER (paperless) granting 23 Consent Motion for Extension of Time to File Joint Report. On or before September 20, 2011, the parties shall meet and confer and file a joint report proposing a schedule for the remainder of this litigation and addressing the prospects for settlement of this case or narrowing the scope of the requests at issue. Signed by Judge Beryl A. Howell on 8/22/2011. (lcbah2) (Entered: 08/22/2011)
08/22/2011		Set/Reset Deadlines: Joint Report due by 9/20/2011. (zalg,) (Entered: 08/23/2011)
09/20/2011	2 4	STATUS REPORT by JUDICAL WATCH, INC., UNITED STATES SECRET SERVICE. (Rosenberg, Brad) (Entered: 09/20/2011)
10/14/2011	2 5	NOTICE OF APPEAL as to 22 Order on Motion for Partial Summary Judgment, Order on Motion for Summary Judgment,, 21 Memorandum & Opinion by UNITED STATES SECRET SERVICE. Fee Status: No Fee Paid. Parties have been notified. (Rosenberg, Brad) (Entered: 10/14/2011)

10/17/2011	2 6	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the fee was an Appeal by the Government re 25 Notice of Appeal. (rdj) (Entered: 10/17/2011)
10/19/2011		USCA Case Number 11-5282 for 25 Notice of Appeal filed by UNITED STATES SECRET SERVICE. (kb,) (Entered: 10/19/2011)
10/20/2011	2 7	MOTION to Stay re 22 Order on Motion for Partial Summary Judgment, Order on Motion for Summary Judgment,, <i>Pending Appeal</i> by UNITED STATES SECRET SERVICE (Attachments: # 1 Declaration of Craig W. Ulmer, # 2 Text of Proposed Order)(Rosenberg, Brad) (Entered: 10/20/2011)
11/03/2011	2 8	Memorandum in opposition to re 27 MOTION to Stay re 22 Order on Motion for Partial Summary Judgment, Order on Motion for Summary Judgment,, <i>Pending Appeal</i> MOTION to Stay re 22 Order on Motion for Partial Summary Judgment, Order on Motion for Summary Judgment,, <i>Pending Appeal</i> filed by JUDICAL WATCH, INC.. (Attachments: # 1 Text of Proposed Order)(Peterson, James) (Entered: 11/03/2011)
11/10/2011	2 9	REPLY to opposition to motion re 27 MOTION to Stay re 22 Order on Motion for Partial Summary Judgment, Order on Motion for Summary Judgment,, <i>Pending Appeal</i> MOTION to Stay re 22 Order on Motion for Partial Summary Judgment, Order on Motion for Summary Judgment,, <i>Pending Appeal</i> filed by UNITED STATES SECRET SERVICE. (Attachments: # 1 Exhibit A: Show Cause Order, # 2 Exhibit B: Response to Show Cause Order, # 3 Exhibit C: Discharge of Show Cause Order)(Rosenberg, Brad) (Entered: 11/10/2011)
11/14/2011	3 0	ORDER granting 27 Defendant's Motion For Stay Pending Appeal. Signed by Judge Beryl A. Howell on November 14, 2011. (lcbah1) (Entered: 11/14/2011)
11/15/2011	3 1	Supplemental Record on Appeal transmitted to US Court of Appeals re 25 Notice of Appeal, 30 Order on Motion to Stay ;USCA Case Number 11-05282. (jf,) (Entered: 11/15/2011)

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